THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21393 of 2006

Date : 13-10-2006

Between:

1. Smt.Gandra Arundhathi w/o.Vidyasagar
2. Gandra Gopal Rao s/o. Papa Rao
3. Smt.Gandra Shyamala w/o.Chalapathi Rao

.. Petitioners

and

1. The Kakatiya Urban Development Authority,
   Warangal, represented by its
   Vice-Chairman & Managing Director.
2. The Warangal Municipal Corporation,
   Warangal, represented by its
   Commissioner.
3. The District Collector,
   Warangal, Warangal District. .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21393 of 2006

**ORDER:**

The matter is coming up for admission.

Sri Narender, the learned Standing Counsel, takes notice on behalf of 1st respondent. Sri Durga Nageswar Rao, Standing Counsel, takes notice on behalf of 2nd respondent. Learned Government Pleader for Revenue takes notice on behalf of 3rd respondent.

The Writ Petition is filed for a writ of mandamus declaring the action of the respondents in seeking to acquire the land with existing structures in premises bearing No.2-662 and 2-663 (old 2-5-52 and 2-5-478(new) situate abutting the main road leading from Kazipet to Hanamkonda, Warangal and opposite to D.E.O. office for the purpose of development of Island without initiating proceedings under the Land Acquisition Act and without any notice and compensation as illegal, arbitrary and violative of Articles 19 and 300-A of the Constitution of India and consequently to direct the respondents not to acquire the land and existing structures covered by the aforesaid premises and to pass such other suitable orders.

Several factual details are narrated in paras 3, 4, 5 and 6 of the affidavit filed in support of the W.P. The main grievance of the petitioner is that the respondents have no authority under Law to take the land by demolishing the existing structures without initiating the proceedings under Land Acquisition Act and without making payment

of compensation for the structures coming under the development of the Island. It is also the grievance of the petitioner that the respondents are further proceeding with the activity without giving any notice and without payment of any compensation.

Several of the factual details narrated need not detain this Court any longer for the reason that it is needless to say that the respondents are bound to follow the procedure as contemplated by the provisions of the Hyderabad Municipal Corporation Act 1955 before further proceeding with any action in this regard. In view of the same, the Writ Petition is disposed of directing the respondents to follow the due process of Law before further proceeding with the impugned activity. No costs.

_____

Justice P.S. Narayana

Date : 13-10-2006

AM